

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Robert J. Jonker

v.

Case No. 1:16-cr-0222

NICKO RAY RUSH, II,

Defendant.

/

**ORDER OF DETENTION**

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a four-count Indictment. Counts 1 and 4 include the sex trafficking of a minor, in violation of 18 U.S.C. § 1591(a)(1), (b)(2), and (c) and Counts 2 and 3 include sex trafficking and attempted sex trafficking by force, threats of force, fraud, or coercion, in violation 18 U.S.C. § 1591(a)(1), (b)(1), and (e). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the bases that he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a serious risk of flight, 18 U.S.C. § 3142(f)(2)(A). The court conducted a hearing yesterday at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of flight, but has not rebutted the presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving, by preponderant evidence, that defendant poses a significant risk of flight and, by clear and convincing evidence, that

he poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release will ensure the safety of the community or the appearance of defendant. Accordingly,

**IT IS ORDERED** that defendant is committed to the custody of the Attorney General pending further order of this Court.

**IT IS FURTHER ORDERED** that defendant shall have no contact directly or indirectly with any of the alleged victims named in the Indictment.

**DONE AND ORDERED** this 9th day of December, 2016.

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge